

1
2
3
4
5
6
7
8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 IN RE: CATHODE RAY TUBE (CRT)
14 ANTITRUST LITIGATION

Master File No. CV- 07-5944-SC

MDL No. 1917

15 This Document Relates to:

16 ALL DIRECT PURCHASER ACTIONS
17
18
19
20
21
22
23
24
25
26
27
28

FINAL JUDGMENT OF DISMISSAL WITH
PREJUDICE AS TO DEFENDANTS
TOSHIBA CORPORATION, TOSHIBA
AMERICA INFORMATION SYSTEMS,
INC., TOSHIBA AMERICA CONSUMER
PRODUCTS, L.L.C., AND TOSHIBA
AMERICA ELECTRONIC COMPONENTS,
INC.

1 This matter has come before the Court to determine whether there is any cause why this
2 Court should not approve the settlement with Defendants Toshiba Corporation, Toshiba America
3 Information Systems, Inc., Toshiba America Consumer Products, L.L.C., and Toshiba America
4 Electronic Components, Inc. (collectively "Toshiba" or "Defendants") set forth in the Settlement
5 Agreement ("Agreement"), dated February 6, 2013, relating to the above-captioned litigation. The
6 Court, after carefully considering all papers filed and proceedings held herein and otherwise being
7 fully informed in the premises, has determined (1) that the Settlement should be approved, and (2)
8 that there is no just reason for delay of the entry of this Final Judgment approving this Agreement.
9 Accordingly, the Court directs entry of Judgment which shall constitute a final adjudication of this
10 case on the merits as to the parties to the Agreement. Good cause appearing therefor, it is:

11 **ORDERED, ADJUDGED AND DECREED THAT:**

12 1. The Court has jurisdiction over the subject matter of this litigation, and all actions
13 within this litigation and over the parties to the Agreement, including all members of the Class and
14 Defendants.

15 2. The definitions of terms set forth in the Agreement are incorporated hereby as
16 though fully set forth in this Judgment.

17 3. The Court hereby finally approves and confirms the settlement set forth in the
18 Agreement and finds that said settlement is, in all respects, fair, reasonable and adequate to the
19 Class pursuant to Rule 23 of the Federal Rules of Civil Procedure.

20 4. Pursuant to Fed. R. Civ. P. 23(g), Lead Counsel, previously appointed by the Court,
21 Saveri & Saveri Inc., is appointed as counsel for the Class. This firm has and will fairly and
22 competently represent the interests of the Class.

23 5. The persons/entities identified on Exhibit C to the Declaration of Markham
24 Sherwood in Support of Motion for Final Approval of Class Action Settlements filed on July 1,
25 2013, have timely and validly requested exclusion from the Class and, therefore, are excluded.
26 Such persons/entities are not included in or bound by this Final Judgment. Such persons/entities are
27 not entitled to any recovery of the settlement proceeds obtained through this settlement.
28

1 6. This Court hereby dismisses on the merits and with prejudice the Class Action in
2 favor of Toshiba, with each party to bear their own costs and attorneys' fees.

3 7. All persons and entities who are Releasors are hereby barred and enjoined from
4 commencing, prosecuting or continuing, either directly or indirectly, against the Toshiba
5 Releasees, in this or any other jurisdiction, any and all claims, causes of action or lawsuits, which
6 they had, have, or in the future may have, arising out of or related to any of the Released Claims as
7 defined in the Agreement.

8 8. The Toshiba Releasees, are hereby and forever released and discharged with respect
9 to any and all claims or causes of action which the Releasors had or have arising out of or related to
10 any of the settled claims as defined in the Agreement.

11 9. The notice given to the Class of the settlement set forth in the Agreement and the
12 other matters set forth herein was the best notice practicable under the circumstances, including
13 individual notice to all members of the Class who could be identified through reasonable efforts.
14 Said notice provided due and adequate notice of those proceedings and of the matters set forth
15 therein, including the proposed settlement set forth in the Agreement, to all persons entitled to such
16 notice, and said notice fully satisfied the requirements of Rules 23(c)(2) and 23(e)(1) of the Federal
17 Rules of Civil Procedure and the requirements of due process.

18 10. Without affecting the finality of this Judgment in any way, this Court hereby retains
19 continuing jurisdiction over: (a) implementation of this settlement and any distribution to Class
20 Members pursuant to further orders of this Court; (b) disposition of the Settlement Fund (c) hearing
21 and determining applications by plaintiffs for attorneys' fees, costs, expenses, and interest; (d) the
22 Action until the Final Judgment contemplated hereby has become effective and each and every act
23 agreed to be performed by the parties all have been performed pursuant to the Agreement; (e)
24 hearing and ruling on any matters relating to the plan of allocation of settlement proceeds; and (f)
25 all parties to the Action and Releasors, for the purpose of enforcing and administering the
26 Agreement and the mutual releases and other documents contemplated by, or executed in
27 connection with the Agreement.
28

1 11. The Court finds, pursuant to Rules 54(a) and (b) of the Federal Rules of Civil
2 Procedure, that this Final Judgment should be entered and further finds that there is no just reason
3 for delay in the entry of this Judgment, as a Final Judgment, as to the parties to the Agreement.
4 Accordingly, the Clerk is hereby directed to enter Judgment forthwith.

5
6 IT IS SO RECOMMENDED.

7
8
9 Dated: July 22, 2013

Charles A. Legge
Hon. Charles A. Legge (Ret.)
Special Master

10
11
12 REVIEWED AND [APPROVED OR MODIFIED]

13
14 Dated: _____

Hon. Samuel Conti
United States District Judge